

Ordinance No: 15-47
Zoning Text Amendment No: 04-16
Concerning: Local Map Amendment Traffic
Test - Metro Station Policy Area
Draft No. & Date: 1 – 7/20/04
Introduced: 7/27/04
Public Hearing: 9/14/04; 1:30 p.m.
Adopted: April 5, 2005
Effective: April 5, 2005

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Silverman

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- providing a process for an applicant for reclassification of property located in a Metro Station Policy Area to satisfy the applicant's burden of proof on certain traffic impact issues.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-H-2 "MAP AMENDMENTS—APPLICATIONS"

Add a new section

59-H-2.6 Local Map Amendments – Metro Station Policy Areas

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 04-16 was introduced on July 27, 2004, to reinstate the Annual Growth Policy traffic mitigation process in place of the traffic test that customarily takes place at the rezoning stage. ZTA 04-16 clarifies an issue raised by the Hearing Examiner in Local Map Amendment G-801, that a zoning text amendment arguably is needed if the Annual Growth Policy traffic mitigation process is to be applied as a method of traffic review at the zoning stage. Under ZTA 04-16, an applicant for local map amendment for property located within a Metro station policy area may satisfy traffic impact issues by meeting applicable trip reduction requirements of the Alternative Review Procedure for Metro Station Policy Areas.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved.

The County Council held a public hearing on September 14, 2004, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on October 21, 2004 and March 7, 2005 to review the amendment. At the October 21, worksession, the PHED Committee requested that the Montgomery County Planning Board revisit its recommendation to approve ZTA 04-16. The Committee requested that the Planning Board consider the concerns raised by the Garrett Park Estates – White Flint Park Citizen's Association about congestion levels in North Bethesda Metro Station Policy area as reported in the recent Approved Development and Congestion Report. At the March 7, worksession, the Committee reviewed the Planning Board response to the Committee's request. The Committee agreed with the assessment of the Planning Board that ZTA 04-16 is needed to implement fully the County Council's Growth Policy Decision of October 2003 and to ensure that the process for testing the adequacy of transportation facilities at the zoning stage is consistent with the process for testing the adequacy of transportation facilities at the subdivision stage for projects using the Alternative Review Procedure for Metro Station Policy Areas. The Committee recommended that ZTA 04-16 be approved as introduced.

The District Council reviewed Zoning Text Amendment No. 04-16 at a meeting held on April 5, 2005 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 04-16 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-H-2 is amended as follows:

DIVISION 59-H-2. MAP AMENDMENTS - APPLICATIONS.

* * *

59-H-2.6. Local Map Amendments– Metro Station Policy Areas.

An applicant for a local map amendment for property located completely in a Metro station policy area, that will be subject to the Alternative Review Procedure for Metro Station Policy Areas contained in the Growth Policy, may satisfy the applicant’s burden of proof on any traffic impact issue by:

(a) showing that the applicant will satisfy the applicable trip reduction requirements of the Alternative Review Procedure for Metro Station Policy Areas contained in the [[Annual]] Growth Policy; and

(b) including in the applicant’s certified development or diagrammatic plan a binding element that commits the applicant to comply with all relevant requirements of the Alternative Review Procedure for Metro Station Policy Areas contained in the [[Annual]] Growth Policy.

[59-H-2.6] 59-H-2.7 Sectional and district map amendments.

* * *

Sec. 2. Effective date. This ordinance becomes effective immediately upon Council adoption.

Sec. 3. Expiration date. This ordinance expires on December 31, 2005.

This is a correct copy of Council action.



Elda M. Dodson, CMC
Acting Clerk of the Council